



# Summary Report of the Cross-Border Workgroup

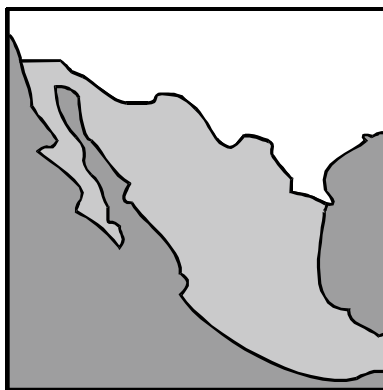
Convened Under the United States-Mexico  
Joint Response Team and the United States  
National Response Team's Subcommittee on  
Transboundary Issues



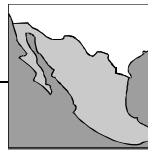
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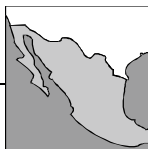
EPA 550-S-98-001



## ACKNOWLEDGEMENT

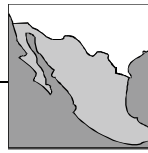
The U.S.–Mexico Inland Joint Response Team (JRT) and the U.S. National Response Team (NRT) wish to acknowledge and thank the members of the U.S.–Mexico JRT Cross-Border Workgroup for their interest in and assistance with this project. The Workgroup members volunteered their time – which was considerable – to identify key barriers to crossing our joint border rapidly during an emergency, and then developed a series of recommendations for overcoming those barriers. Their efforts constitute the majority of the work behind this report. Individual members of the Workgroup are (in alphabetical order):

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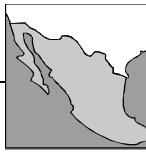


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## **I. INTRODUCTION**

### **A. BACKGROUND**

In 1988, the United States and Mexico signed the U.S.–Mexico Inland Joint Contingency Plan (JCP), which addresses hazardous materials emergencies along the joint inland border between the two nations. The JCP is implemented and activated under the auspices of the U.S./Inland Joint Response Team (JRT). Over the years, a number of barriers to responding rapidly and effectively under the JCP were identified. The United States National Response Team (NRT) Response Committee's Subcommittee on Transboundary Issues spent about a year analyzing these barriers on the U.S. side of the border, and concluded that these issues could not be solved from Washington D.C. and without input from Mexican officials. Further, while JRT representatives in Washington, D.C. and Mexico City attempted to address several of these barriers, they also concluded that many barriers needed to be addressed locally in order to better understand how to resolve them.

At the annual JRT meeting held in San Diego in March 1996, it was recommended that a Workgroup composed of U.S. and Mexican representatives be convened at a border location to discuss the barriers and identify potential solutions or recommendations for overcoming some of them. The U.S. Environmental Protection Agency (EPA) Regional office in Dallas, Texas agreed to initiate and sponsor such a Workgroup, named the U.S.–Mexico JRT Cross-Border Workgroup. The Workgroup convened its first meeting in July 1996.

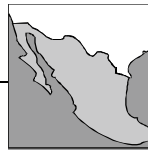
Workgroup members came from the public and private sectors on both sides of the border and included representatives from:

- Local agencies, including fire and police departments;
- Local emergency planning committees (LEPCs) and CLAMs;
- Local public officials;
- State public health, environmental, and insurance agencies;
- Federal Customs, Immigration, and environmental agencies; and
- Firms involved in hazardous materials emergency response, as well as the manufacture, transport, and storage of hazardous substances.

Meetings of the Workgroup were held in and around the Sister City pairs of Brownsville, Texas and Matamoros, Tamaulipas. The Workgroup met a total of five times; each meeting lasted one to two days. In the initial meetings, the Workgroup brainstormed to identify all possible barriers to rapid border crossing, and then identified four key barriers and four secondary barriers on which to focus their attention. For each barrier, the Workgroup identified the factors that make it a barrier and then provided recommendations for possible resolution.

### **B. REPORT ORGANIZATION**

The remainder of this report is organized into two major sections. The first of these, Section II, discusses the barriers to effective border crossings, and identifies both key and secondary barriers. For each barrier, there is a subsection on background (i.e., why it is a barrier and what the workgroup did to understand or investigate the barrier), a subsection on findings (i.e., what is known about the barrier), and a subsection on recommendations (i.e., suggestions from the Workgroup on resolving the barrier). Section III provides a broad summary of the Workgroup's recommendations with regard to the key and secondary barriers. Finally, two appendices provide summaries of specific emergency response documents and procedures developed by the city of Brownsville, Texas and the Brownsville office of the U.S. Immigration and Naturalization Service (INS).



## II. DISCUSSION OF BARRIERS

### A. OVERVIEW

The Workgroup discussed a number of barriers to effective cross-border response during its meetings over the past year. These barriers were classified as either key barriers (i.e., those to be addressed by the Workgroup) or additional barriers (i.e., those to be referred outside the Workgroup). Key barriers to be addressed by the Workgroup fell within the following four categories:

- Lack of sufficient information regarding the extent of liability coverage available for U.S. and foreign responders (including general liability, Worker's Compensation, and health insurance);
- Difficulties related to the import and export of emergency personnel and equipment;
- Lack of reliable communication procedures and equipment; and
- Lack of experienced personnel, funding, and program continuity.

Other barriers identified for referral outside the group (i.e., to the Joint Response Team (JRT)) included:

- Inconsistency in training and in training requirements;
- Lack of stakeholder involvement in planning;
- Inadequate interagency coordination; and
- Inadequate knowledge of government structure and laws.

The next two sections of this chapter present a discussion of each of the barriers listed above, to the extent those barriers were addressed by the Workgroup.

### B. KEY BARRIERS

#### 1. ***Lack of Sufficient Information Regarding the Extent of Liability Coverage Available for U.S. and Foreign Responders***

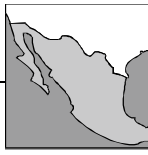
**Background.** The Workgroup discussed several aspects of the barriers posed by potential liability for actions taken during a response. Responders are concerned about liability due to differences between the insurance markets in Mexico and the U.S. (e.g., inconsistencies in the types of coverage required and available), and uncertainties about what actions or outcomes are covered under different types of policies (particularly if a responder causes damage or sustains an injury outside his/her country). The Workgroup decided to focus on the following aspects of liability: general insurance issues, Worker's Compensation, and health insurance. Officials from the Texas Department of Insurance and the Financial Guardian Insurance Brokerage contributed to the discussion.

**Findings.** The Workgroup's findings are summarized below, in terms of the three major areas of discussion: general insurance issues, Worker's Compensation, and health insurance.

#### *General Insurance Issues*

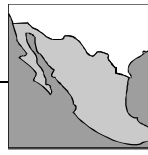
A number of factors complicate the determination of who may be held liable for loss or damages as a result of a cross-border response, owing to the differences between the U.S. and Mexican insurance systems.

- A liability lawsuit can arise when a responder injures a person or causes property damage during an emergency response. Exemption from certain liabilities during a hazardous chemical or oil spill response



is referred to as responder immunity. It is unclear whether foreign responders have responder immunity when responding to an emergency in the U.S. or whether federal, state, local, and/or private responders from the U.S. would have responder immunity when responding in another country.

- Although a Mexican or U.S. insurance company could write a liability insurance policy for a Mexican or U.S. carrier, respectively, that extends past the border of its home country, the policy coverage will likely not be recognized by the foreign country for purposes of compliance with that country's laws. The Mexican or U.S. insurance company would need to be authorized by the foreign country to write policies in that country for the coverage of its policies to be recognized. Notwithstanding, there are fraudulent policies written on both sides of the border.
- Generally, most liability insurance policies written by a company in the U.S. will not cover claims that arise in Mexico. However, there are some insurance companies that will respond to claims that arise in Mexico, although the "cause of action" must be brought in the U.S.
- There are few insurance companies in the U.S. that will write liability policies without disclaimers for Mexican carriers operating in the U.S. because in doing so they would be accepting a huge risk. It is unclear whether any U.S. companies write a liability policy that Mexican authorities will accept to cover an incident that occurs in Mexico.
- Some U.S. insurance companies write foreign liability policies in the U.S. and have established joint ventures with companies in Mexico to write policies there. One such company is American International Group (AIG); other U.S. companies are investigating the pros and cons of following suit. U.S. insurance companies that write foreign general liability policies typically write them in a package, for example, that might include foreign Worker's Compensation, foreign general liability coverage, and automobile liability coverage.
- Unlike in the U.S., there are no standardized insurance policies in Mexico. Each Mexican insurance company can prepare a policy using a different format and different language. In the U.S., there are standard forms for policies written by licensed insurance companies and these formats and policies must be filed with and approved by the state (the insurance industry throughout the U.S. is regulated at the state level).
- Most businesses in Mexico – whether Mexican or American – are not required to have insurance, although they may have it for their own protection. There are, however, some insurance requirements for the transportation of hazardous products and for Maquiladoras. Liability insurance that covers responders beyond the first check point across the border is available for U.S. responders in Mexico, and the cost for such coverage generally is not high. Government organizations in Mexico generally are not required to have insurance.
- Standard vehicular policies for entry to Mexico do not include general liability coverage. However, vehicle insurance that covers trips to Mexico – usually within 25 miles of the border – is available, and can be added as an endorsement to a policy for an additional premium.
- Responders from Mexico crossing into the U.S. can buy 24-hour insurance on a per-trip basis. U.S. responders crossing into Mexico are generally covered under the responder's liability and health policies. Fraudulent behavior connected with such 24-hour policies sold to commercial truckers has been observed. While Texas has a 1-800 number people can call to confirm that they are dealing with a reputable insurance company, few Mexican truckers stop at the border, call the number, and verify that the insurance company offering the policy is reputable. The Texas Department of Public Safety (DPS) can sometimes perform that check if it stops a Mexican response vehicle; however, DPS officials are not always at the border to conduct such verification. Generally, however, if DPS officials at the border think something is suspicious, they will make a call to verify insurance information.



- Many "24-hour insurance policies" (liability coverage) written by U.S. companies for Mexican carriers have an attached disclaimer stating that the policy is void whenever the cargo includes "hazardous materials" as defined in 49 CFR and appendices thereto. U.S. Customs has found this disclaimer to be problematic for two reasons. First, some carriers are not aware of the disclaimer and, as a result, may be carrying hazardous materials without valid insurance; this typically results in Customs delays at the border while a new policy without a disclaimer is obtained. Second, the lists of chemicals referenced in 49 CFR are not located in the same place and the lists may not contain all the names by which a hazardous material may be known, so accurately determining whether a particular material is affected by the disclaimer can be both difficult and time-consuming.
- Governments and subdivisions of government generally are protected by sovereign immunity provisions whereby their liability for damages is capped at a certain amount. However, if an action is brought pursuant to an authority other than the U.S. Federal Torts and Claims Act or the Texas Tort Claims Act, the caps might be different and those limits might not apply.

### *Worker's Compensation*

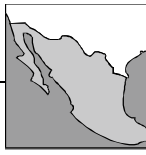
In the U.S., Worker's Compensation provisions may vary from state to state. Mexico does not have a Worker's Compensation system; all injuries, employment related or not, are covered under the country's Social Security System.

- In Texas, Worker's Compensation coverage will compensate U.S. workers injured while on duty in Mexico; however, such coverage is restricted to those workers who take "occasional trips" across the border. Mexican citizens working in the U.S. for a U.S. company would be covered under Texas Worker's Compensation for any injuries sustained while on the job in the U.S. if the injuries would be compensable in Texas. For example, a Mexican citizen working as an uninsured subcontractor in the U.S. for a U.S. firm covered by Worker's Compensation could qualify for Worker's Compensation under the general contractor's policy if injured during the performance of her/his job. However, as an uninsured independent contractor, the Mexican citizen would not be eligible for Worker's Compensation. Mexican employees must be listed by name as employees of that company prior to the occurrence of any injury to be eligible for such coverage.
- Under provisions of the Texas Worker's Compensation Law, a U.S. employee injured while working in another jurisdiction (including Mexico or another state) retains her/his coverage if the injury would be compensable in Texas and if the injury was sustained while performing within the "course and scope" of her/his employment and meets other applicable requirements. No limitations as to geographic distance are mentioned in the law. However, payment for treatment of any injury will only be made to U.S. service providers unless a special policy is purchased to provide payment for medical services and benefits received in a foreign country.

### *Health Insurance*

The health insurance systems of the U.S. and Mexico also differ dramatically. These differences could pose potential problems for responders attempting to receive or pay for treatment for injuries sustained during cross-border responses.

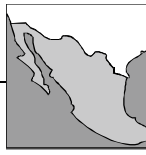
- In the U.S., the distinction between Worker's Compensation and health insurance is that Worker's Compensation covers injuries or losses sustained in the performance of employment-related duties, whereas health insurance is predominantly for injuries or occurrences that are not work (employment) related. No such distinction exists in Mexico.



- Most U.S. health insurance policies are not territorially defined or limited, so they provide coverage no matter where an individual is injured or becomes ill. This applies to "self-insured" policies as well.
- In contrast, the Mexican Social Security System, which is a system for providing health care to all Mexican citizens as well as people who happen to be in Mexico, does not offer or reimburse coverage beyond the Mexican border. Thus, if Mexican citizens are injured in the U.S., they must return to Mexico for treatment. U.S. health coverage is available for Mexican citizens through private sources, but must be procured prior to injury.

**Recommendations.** The Workgroup set forth several suggestions to consider with regard to liability.

- Identify insurance needs. Municipalities and companies need to identify their overall insurance needs (e.g., "24-hour coverage for emergency response personnel and equipment including vehicles with occasional trips over the border to provide assistance during an emergency or simulation or training"). As part of this process, the various types of required coverage should be listed, such as workers compensation for coverage during the course of employment, liability for damages, cost of defense, and other claims and expenses due to injury to employees or third persons, damages to property, or other damage or loss. Existing policies then should be reviewed against these needs to identify any additional coverage that is required. Potential providers also must be identified.
- Obtain appropriate coverage. Because responder immunity is usually limited for state, local, and private personnel when they respond to transboundary hazardous material releases or oil spills, they should obtain appropriate liability insurance. One way for a Mexican or U.S. company/responder to be protected from liability in a foreign country would be to have a standard general liability insurance policy written by one of that country's insurance companies or to have a foreign general liability insurance policy written by an authorized domestic insurance company. Coverage can be purchased from an authorized insurance company that is willing to provide the coverage for the type of risks that have been identified. It is likely that the majority of companies willing to provide coverage will be in the surplus-line market because emergency response is not within the scope of typical insurance coverage. Surplus-line companies are those that have been identified and authorized in a state to write lines of coverage that are not readily available from the standard market, which is generally reluctant to write such coverage because of the risk involved. Such coverage is generally not boilerplate; each policy is tailored to meet the specific insurance needs of the situation.
- Evaluate different mechanisms/options to obtain joint liability coverage. There are several mechanisms for government entities to jointly obtain liability insurance. One is the creation of a Risk Management Pool. Under the Texas Local Government Code, on the adoption of a resolution by the commissioner courts of at least ten counties in the State, a County Government Risk Management Pool can be created to purchase coverage against liability for the acts or omissions of that county and the officials and employees of that county under the law (including acts or omissions of volunteer fire departments). A county may also obtain general liability insurance from a self-insurance fund or risk retention group for employees against liability arising from the performance of official duties of employment or for the purpose of obtaining insurance against any insurance risk, including health and vehicular. The legislature determined that certain types of insurance coverage are not available to local governments and that certain available coverage is unduly expensive. Specific legislation permits government units to issue obligations or bonds to fund self-insurance programs and/or to form or become members of risk retention groups. The formation of purchasing groups by government entities is not authorized, though not prohibited. Such a purchasing group does not currently exist.
- Develop indemnity agreements between cities. Sister Cities might consider entering into agreements under which each city would indemnify the actions (and consequences thereof) of responders from the other city who cross the border to provide help. Such agreements alone, however, do not protect either city from suit



or cause of action by another party, including an employee, who is injured or sustains some loss. While this option is certainly a local prerogative, it needs to be stressed that these agreements are not legally binding. Where they have been enacted they seem to do little more than embody the spirit of cooperation; to be legally binding, such an agreement would need to be written as a formal contract. In addition, such agreements are somewhat time limited in that they need to be re-worked every time new officials are elected. Sister City plans themselves are similarly informal arrangements that provide a starting point for coordinated response but are not binding.

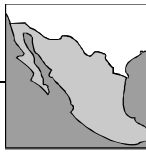
- Obtain foreign Worker's Compensation policies. U.S. companies should have adequate Worker's Compensation for incidents that occur in the U.S. and purchase a foreign Worker's Compensation policy for anything that happens outside the U.S. Mexican medical service providers generally will accept such a policy. Payment under such policies may be made directly to the service provider or on a reimbursement basis to the insured, and generally will cover the cost of evacuating the injured back to the U.S.
- Enact legislation that expands responder protection under State Constitutions. A Texas statute provides that municipalities on the border may enter into Mutual Fire Protection Agreements with their corresponding border municipality and that any firefighter from a border or municipality in the State who responds to a call in Mexico is performing the firefighter's official business for purposes of protection under the Texas Constitution. Thus, when responding to a situation in Mexico, official personnel are entitled to the same benefits as if the response were on the U.S. side. Insurance coverage that is valid in the U.S. is also valid in Mexico. The Texas statute could be expanded to include other response entities, such as municipal police departments and medical personnel. Other states along the border could incorporate similar provisions into their statutes if they have not already done so; they should be sure to structure their laws to protect all emergency response personnel.
- Encourage private companies or associations to underwrite or pay for liability coverage. Given that chemical companies are often responsible for spills and releases of hazardous materials, organizations like the Chemical Manufacturers' Association (CMA) could be approached about underwriting or paying for liability coverage for a purchasing group comprised of border cities, in return for the valuable service (i.e., spill response) those governments would be providing them.

## **2. *Difficulties Related to the Import and Export of Emergency Personnel and Equipment***

**Background.** During an oil or hazardous materials emergency, rapid response is essential. A major problem along the U.S.–Mexico border is the inability to mobilize public and private sector personnel and equipment in a timely manner to respond to an oil or hazardous substance incident. Timely movement of emergency response personnel and equipment across the U.S.–Mexico border whether by ground or air is necessary to minimize the potentially devastating effects of the emergency.

**Findings.** A primary concern is the need for rapid crossing of ambulances, fire engines, and other emergency vehicles over bridges during an emergency. When crossing to Mexico, a specific lane often is cleared so that vehicles can be sent directly through. Crossing into the U.S., the vehicles often come over on the wrong side of the bridge due to congestion, or wait in traffic because the road cannot be cleared for them. Often, the only "early warning" to bridge operators that a vehicle needs to cross is the sound of the emergency siren.

Customs procedures vary not only between the U.S and Mexico, but also among each country's Customs stations along the border. The Port of Brownsville tries to limit the amount of paperwork and other official procedures required for personnel and vehicles crossing the border. They request that Mexican response agencies ensure that each crossing vehicle has on board a simple document called a Temporary Importation Bond without Surety, which lists the vehicle type, the equipment on board, and the number of crew on board. A temporary importation bond is issued when equipment that officials know will leave a short time later is brought into the country. As a result, the normal



duties and tariffs are not charged on the items. Brownsville's procedures have been written down and could be tailored by other border cities. See Appendix A for a summary of these procedures.

Each vehicle also must have a valid crew list. If the driver hands a crew list to a Customs inspector with five names, and there are five people on the truck, they generally are allowed to pass without further investigation. If there are seven people in the truck, Customs asks that the crew write in by hand the names and birth dates of the other two people and submit that information as a record of who crossed. If any follow-up is necessary, Customs will find the crew at the scene of the response and gather the needed information.

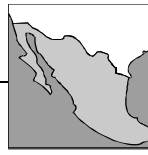
Procedures for entry into Mexico by personnel in helicopters, whether in a medical capacity or as experts in a particular subject area (e.g., chemical releases), are a major concern. Mexico requires that airborne ambulances (e.g., helicopters) or other aircraft from another country must travel through a port of entry (i.e., an airport) before they can proceed to the scene of an incident. This requirement can add hours to the response time. Ability to travel directly to the site to pick up injured personnel and airvac them to a medical facility is an urgent need that currently requires intervention on the part of Customs personnel for resolution. In contrast, entry into the U.S. from Mexico does not seem to pose the same types of problems; overflight exemptions may be granted so that emergency flights may land directly at the scene. Some progress on this issue is apparent, however, as Matamoros has identified areas that could be used as landing spots for helicopters, and the Matamoros airport is equipped to land airplanes for emergencies.

Even though both countries have in their laws a "mercy flight" exception, the clearance requirements are rarely waived. In theory, if a critical patient is on an aircraft, or a patient becomes critical on board, the tower can grant the plane clearance to land at the nearest station due to the emergency nature of the flight. In practice, however, it rarely happens that way because both countries routinely exercise their right to control their airspace and borders. Unless a situation is very drastic, Customs agencies require all entries to occur through an official Port of Entry, with inspections and adherence to other procedures before attending to the emergency.

Treatment of U.S. personnel entering and leaving Mexico prior to or after providing emergency response support has varied. In one instance, border crossing fees were sought from firefighters who, dressed in jump gear, lacked the cash to pay. More recently, U.S. vehicles were escorted by Mexican police to and from the scene, and U.S. vehicles were never stopped or questioned. Current Mexican laws and regulations stipulate that anyone crossing the border as part of official business is exempt from any otherwise applicable fees.

**Recommendations.** The Workgroup suggested a number of recommendations for improving procedures and requirements for the import/export of emergency personnel and equipment.

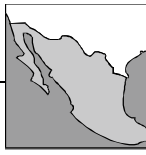
- Coordinate the operations of each country's Customs/Immigration agencies. General cooperation agreements among the Customs/Immigration agencies of all countries would be beneficial, and might help to facilitate development of Sister City agreements, which would contain the "nuts and bolts" of emergency response procedures.
- Coordinate procedures with bridge operators at each crossing point. It may be useful to consider bringing coordination of emergency procedures at bridges under the direction of one organization or individual, perhaps the bridge operator. Because some bridges are publicly owned while others are private, and some are controlled by the same organization at both ends while others are controlled by separate organizations at each end, any agreements regarding emergency response procedures would probably need to be specific to each bridge.
- Notify border officials of crossings as far in advance as possible. When emergency response officials must cross the border from either side to attend meetings or other functions, they should call bridge operators ahead of time to alert all parties that one or more persons will be crossing and to request assistance in moving them through quickly. The bridge operators will assist with notifying other appropriate agencies.



- Include notification procedures in contingency plans. Federal, state, and local responders should include in their contingency plan protocols and procedures for notifying INS, Customs, and USDA (as appropriate) if foreign personnel and equipment will be crossing the border on an emergency basis to respond to a hazardous material or oil spill incident. Alerting bridge operators prior to crossing should be part of the notification protocol for emergency responses. Possible methods include a two-way radio, intercom system, or direct telephone link.
- Regularly review response procedures and requirements. Another important task that must be undertaken is to coordinate with cities across the border, because many Mexican cities have a high personnel turnover rate and it is not always clear what their requirements are. At least two to three times per year, each Customs station needs to sit down and review procedures with its counterpart across the border so that everyone is clear about roles and responsibilities. Both sides need to know what standard their responders will be held to in the event of a response.
- Educate the Local Emergency Planning Committees (LEPCs) and officials on both sides of the border about plans and procedures. Guidance and sample forms could be distributed to the LEPCs so they would have access to such materials as needed. The same process could be followed for officials on the Mexican side of the border, as U.S. responders sometimes have had difficulty retrieving U.S. equipment impounded by Mexican officials.
- Implement an intercom-based communication system. One way to expedite import/export of personnel and equipment is to install an intercom-based system that allows communication among Immigration, Customs, and bridge operators for emergency crossings. There is significant support for such a system among the agencies along the border. Such a system could be used to provide advance warning of the need for personnel and/or equipment to cross the border quickly and to expedite getting people and equipment out of the way so the crossing can occur in an orderly manner.
- Streamline entry procedures for emergency personnel in helicopters. Responses would be much more efficient if responders could go directly to the scene, particularly because helicopters can land nearly anywhere. Two hours of delay during an emergency – as has been experienced in the past – can mean that the most critical moments to do something pass by the time clearance is ultimately obtained. At some point, the two countries need to determine whether the effectiveness of the response is more important than following procedures to the letter in every instance. A response system that does not require a 24-hour pre-clearance for landing needs to be developed. Specifically, Mexico could begin to grant exemptions for emergency flights. Similarly, it would be ideal to arrange for Mexican flights to meet U.S. officials at the hospital in Brownsville rather than at the airport. A verbal approval at the time of the incident should be enough to clear responders from Mexico to land directly at the scene. This may need to be coordinated through law enforcement agencies and/or Customs. Another possibility would be to deploy representatives of a law enforcement agency to the point of the landing as a possible mechanism for resolving an immediate emergency approval.

### **3. *Lack of Reliable Communication Procedures and Equipment***

**Background.** The effectiveness and speed of response efforts may have been hampered by the lack of well-defined, open lines of communication across borders. U.S. and Mexican officials need to have reliable means of reaching their counterparts across the border so that coordination and response may begin promptly in the event of an emergency. Currently, the communication network between the U.S. and Mexico has some notable gaps that delay response times and frustrate the officials involved. These gaps include a lack of compatible communication equipment and procedures for ensuring that the effectiveness of the existing communication equipment is maximized.



**Findings.** There are two major communication needs along the U.S.–Mexico border: (1) response personnel who can communicate in both English and Spanish, and (2) compatible communication equipment (e.g., common radio frequencies, dedicated telephone lines) and procedures. The first need is not generally a problem because numerous people on both sides of the border in responsible positions are bilingual. The second need is more problematic because communication may only be one-way; key pieces of equipment may be lacking, out of order, or incompatible; and procedures may be non-existent, or not shared with other key entities.

With regard to radio communication, personnel in the two countries often operate on different frequencies, which hampers communication efforts, although Mexican Migracion in Hidalgo and U.S. Customs currently share the same frequency and Mexican agencies at the border (i.e., Customs, Immigration, and local and state responders) use a common frequency for emergencies.

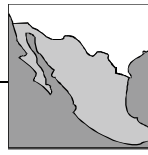
In addition, too many users are trying to use too few radio channels. This situation continues because the cost to upgrade is significant. Many times, telephone lines are the only way to get through to the other side of the border, and even then only after a number of unsuccessful attempts. Even the institution of a dedicated telephone number that no one else would normally use except for emergency communication (i.e., a hotline) would be a major improvement over the status quo. However, for instantaneous communication, the best system will always be radio.

U.S. agencies generally have the capability to use a common radio frequency for emergencies, and may be able to use the same frequency that their Mexican counterparts are using. However, use of a common frequency for emergencies is not a standard process. The Brownsville Police Department currently communicates with the Cameron County Sheriff's Office via dispatcher because it does not currently have direct radio communication linkage with that office. The equipment required to make their systems compatible is prohibitively expensive. However, it is unclear how the equipment incompatibility barrier can be addressed. Officials in one city may communicate on a 400 MHz system, while others may use an 800 MHz system or a 125 MHz system. As a result, U.S. agencies (e.g., Customs) may need to provide compatible portable equipment to their counterparts across the border during actual responses in order to ensure compatibility. However, the effectiveness of such an approach needs to be evaluated on a case-by-case basis.

Radio-based communication may be the only option in the outskirts of some Mexican cities, where telephone lines may be non-existent, out of order, or jammed. Waiting for unreliable telephone connections to go through can delay the response process significantly. It is possible to program radio equipment so that only certain frequencies are accessible by users, in order to reduce "traffic" over particular frequencies and remove confusion over use of the equipment. Still, a common frequency along the entire border probably would not be feasible, as lines eventually would jam with too many users. Each Sister City probably would need to have its own system. If such an approach worked locally, it might eventually be applicable across and along the border.

Matamoros has a command center similar to our 911 center where a radio could be placed for initial emergency notifications if approval to do so were obtained. Normally, officials in Brownsville simply call by long-distance telephone to notify Mexican officials on a dedicated number in their communication center (although the Mexican line may have been recently disconnected). This system has worked in the past, as a bilingual staff person is available to answer the phone 24 hours a day. If a dedicated radio were purchased and made operational, the communication system would probably be complete. The U.S. – Mexico "Border XXI" plan dedicates funding to the development of communication centers along the border in Mexico. While this is likely to be a slow process, it signals a commitment on a bi-national level to improving cross-border communication. It is uncertain, however, how these new capabilities will interface with existing U.S. and Mexican communication systems.

The first notification of an emergency is the key communication that sets the entire response process in motion. After the initial communication of an emergency, which could be facilitated by reserving a dedicated radio frequency for that purpose, much of the subsequent communication occurs between officials who are on-site and able to communicate face-to-face. However, when a response lasts for days or weeks, communication may be hampered if there is too much traffic on active frequencies. The only factors mitigating this scenario are the possibility that

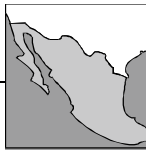


individuals will exercise restraint in radio use, and the likelihood that a lengthy response would result in a command post being set up that will monitor and direct all communication. In addition, because bridge control and responders are likely to be using their own communication systems, there is unlikely to be constant radio traffic on any given frequency.

Cellular phone service from the U.S. presently does not operate in Mexico for a number of reasons. Southwestern Bell is working with the Federal Communications Commission (FCC) and negotiating with Mexico to change this situation.

**Recommendations.** In general, the Workgroup indicated that communication among local law enforcement, federal law enforcement, Customs, Immigration, dispatch, and bridge personnel on both sides of the border needs to be improved. The Workgroup suggested several recommendations for improving cross-border communication.

- **Obtain and use compatible communication equipment.** Cross-border radio communication requires (1) compatible equipment that operates on the same frequency along the entire border, and (2) agreement among from the appropriate authorities on each side to use that equipment.
  - Communication could be improved by installing an intercom-based system that allows communication among Immigration, Customs, and bridge operators for emergency crossings. Such a system could be used to provide advance warning of the need for personnel and/or equipment to cross the border quickly and to expedite moving people and vehicles out of the way so the crossing can occur in an orderly manner. Such a system also would connect entities in three or four different places, thus allowing multiple simultaneous notifications. A pilot project to set up such a system using radios is being undertaken at the Gateway Bridge in Brownsville.
  - The Texas Department of Emergency Management (DEM) has radio communication capability along the entire length of the border, and has suggested that its system be accessed and used to the extent possible for cross-border communication.
  - Several cities recently have made great strides to upgrade their communication systems. For instance, McAllen and Harlingen are upgrading to 800 MHz because it provides better signal transmission, allowing for communication between points that were not linked before. In addition, such upgrades allow for many groups to talk over limited frequencies without interruption or exclusion. For many cities, however, finding the money to pay for the upgraded systems and equipment is a problem.
- **Purchase a dedicated base radio and reserve dedicated frequencies for emergency notification.** Buying a base radio and leaving it on 24 hours a day at Customs at a pre-determined frequency would not be a huge expense, and the only expenses thereafter would be for maintenance. Such a radio, which would solely be used for emergency notification, could potentially solve much of the communication problem. However, this initiative might involve asking the authority at the bridge or in charge of a particular area for permission for a base radio to be placed there and to be monitored. The FCC may also need to be contacted, although this is not certain.
- **Provide communication equipment to cross-border counterparts on a temporary loan basis.** Portable radios can be very effective as a communication tool, especially following the deployment of responders for a cross-border incident. One country would need to take the lead on procuring and providing compatible equipment, meaning that it would also need to develop procedures for retrieving any equipment that had been lent out. When a crossing occurs, responders may need to bring along an extra 15 or 20 radios for use by their cross-border counterparts to enable full communication while they are responding to the incident.



- Study the possibility of using Internet links in emergency response communication. Matamoros and Brownsville at some point in the near future will have an Internet link. Perhaps the University of Texas at Brownsville and the Technological Institute in Matamoros could explore how that link might be helpful in emergency response communication.
- Pursue modes of telephone communication other than cellular. Until changes occur in cellular phone service, options for mobile communications with Mexico include: (1) obtain a calling card for use in Mexico, (2) obtain a phone number from Mexican phone service providers, or (3) use a beeper and call back to the U.S. from Mexico.
- Develop an agreement with U.S. Customs to communicate through sector offices when necessary. U.S. Customs maintains a communications routing system for the entire U.S. whereby the country is divided into several large sectors. The sector that handles the south border region is located in Orlando. Officials at that center can contact anyone, anywhere by radio. Whenever there is a problem communicating with Mexican officials, U.S. officials can call the sector office, which can quickly transmit a radio message to the Mexicans (or anyone else). Even though this is an indirect way to communicate, it is still relatively quick. However, it is unclear whether Customs keeps the sector radio constantly turned on so that it can receive messages anytime, and whether it is willing to be the "go-between" for the U.S. and Mexico.

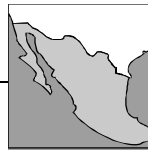
#### **4. *Lack of Experienced Personnel, Funding, and Program Continuity***

**Background.** Convincing governments and elected officials to allocate staff and funding to develop, maintain, and implement preparedness programs, including response plans, is difficult and requires constant effort. In addition, continuous turnover among elected officials in border regions is common, so there is often limited institutional knowledge in key political positions. Furthermore, at least at the county level, a change in administration often means a change in personnel responsible for emergency planning. This situation is a barrier to the continuation of established programs and to the execution of existing plans, and is exacerbated by the fact that administration changes do not occur on the same schedule on both sides of the border.

**Findings.** In larger communities, resources are generally available to conduct training or implement a preparedness program. The key to success is to create interest and provide a way to organize people so that they can work effectively and take advantage of the resources that do exist. It is useful when dedicated resources are created to help bring together the resources present in local communities that could be tapped. Having an individual, program, or organization focused on creating education campaigns targeted at addressing specific needs is ideal. Publicity may be the most effective tool for getting politicians and business people interested and involved in a particular cause, and it does not require a lot of resources to implement. However, the topics being publicized need to be things that the target audience feels strongly about.

Several initiatives have been relatively successful at involving and leveraging community resources. For instance, "Imagine Houston" is a multilingual community education/outreach initiative targeted at increasing awareness about and improving the image of various community services (e.g., police, fire protection) in response to community concerns about drugs and crime. A key outgrowth of this initiative, begun in 1994, was a series of customer service/information centers established in locations such as libraries and shopping malls. Another community outreach initiative is the "BorderPlex Civic Engagement Center" a project designed to develop an institutional framework to conduct cross-border planning and community involvement activities in the geographic area between Brownsville and Roma within about 50 miles of each side of the border (i.e., the Rio Grande Valley BorderPlex).

Mexico has serious problems with staff continuity, due to very high rates of turnover. While many of the same individuals have been involved in this work on the U.S. side for many years, every time there is an election in Mexico (every three years), the responsible officials change and procedures need to be re-worked. For example, U.S.

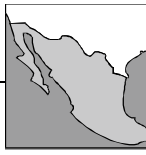


emergency operations personnel such as a local chief of police or emergency operations coordinator oversee essentially the same staff from one year to the next. But when there is an election in Mexico, most if not all emergency response staff are replaced. Replacements often have little or no knowledge of ongoing initiatives, and some try to implement their own ideas. To U.S. officials who have significant experience, it is like starting over again.

Although there are full-time paid personnel on both sides of the border who will respond to an incident when necessary, few if any of these personnel – particularly on the U.S. side – are dedicated exclusively to advancing cross-border mobilization capability.

**Recommendations.** The Workgroup suggested several recommendations with regard to this barrier.

- Identify emergency preparedness needs and implement plans for fulfilling them. Communities need to determine what resources they need, what they already have, and what types of assistance they want. Then they need to develop a plan to address that need and take the plan to those who have the money to fund it or can find the money to fund it. Help for developing such a "business plan" outlining the need and the approach for addressing it can be obtained from stakeholders, who may be found through organizations like local Chambers of Commerce, Rotary Clubs, Lions Clubs, and Leadership Brownsville.
- Build emergency response into job descriptions. Job descriptions of government positions could be re-written to include responsibilities related to program development, operation, maintenance, and oversight so that as turnover occurs replacements will be required to perform to the level of the individuals who previously held the positions.
- Form dedicated planning organizations. Some sort of institution is needed to ensure appropriate follow-through and to keep communities active in a program or initiative once it is begun. In border communities, a bi-national organization or some other organization with cross-border influence is essential. Progress might be realized by building on existing capabilities such as the LEPCs.
- Consider turning over planning responsibilities in Mexico to a non-governmental organization. It may be worthwhile to investigate opportunities for privatizing management of the emergency response program in Mexico, or forming a non-governmental organization to assume responsibility for planning and serve as the manager of cross-border response entities. This group would not be composed of people who actually respond to emergencies, but those who develop and implement the plans. Such a group could be a localized replica of the JRT. The Workgroup acknowledges, however, that this recommendation may be difficult to implement because Mexican states and municipalities currently are required by the law of Civil Protection to coordinate responses to emergencies of any type.
- Request Federal assistance. The federal government is clearly one source for funding and other forms of assistance. The U.S. EPA, for example, recently held a meeting emphasizing the Agency's intent to be more customer-service oriented. Other departments and agencies also seem to be striving for more responsiveness to the groups they serve, so now may be a good time to present them with proposals for projects at the community level.
- Use state and federal money to fund staff rather than other activities. Federal and state agencies (e.g., EPA, the Federal Emergency Management Agency (FEMA), and the Texas Natural Resources Conservation Commission) devote a fair amount of time to presenting emergency response classes and seminars at the local level. Therefore, the efforts of any private entity or non-governmental organization to build capabilities might be duplicative. Instead of providing seminars and training, the state and federal agencies could provide funding for an individual or group to conduct the necessary planning and coordination functions.



## C. ADDITIONAL BARRIERS

The Workgroup identified a number of additional barriers affecting cross-border mobilization, although not all barriers were discussed at length. The Workgroup suggested that each of these barriers be referred to the JRT.

### 1. *Inconsistency in Training and in Training Requirements*

**Background.** U.S. laws and regulations establish detailed standards for worker safety and training requirements for persons engaged in hazardous substance and oil spill response activities. In Mexico, there are no federally mandated laws that specify the level of training for hazardous material response activities. The dissimilarities between the countries could present legal and practical complications for U.S. operations and responders and make coordination among responders from the two countries difficult.

**Findings.** Training is a necessary component of building response capabilities. However, for training to be effective, it must be ongoing. One-time training without follow-up is not very useful. In addition, certification of response personnel is an important topic related to training. In the U.S., responders must be certified and must renew that certification periodically, while there is no parallel system in Mexico. When responders crossing into the U.S. from Mexico have no papers to document their training background, there is no way to be sure that their response capabilities will be similar to those of certified U.S. responders. However, within Mexico, Protección Civil is moving toward certification of steps taken by independent agencies or industries to train or certify their employees. If this initiative is implemented, the two countries' requirements will be more consistent.

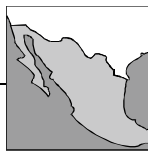
**Recommendations.** The Workgroup suggested two recommendations with regard to training.

- Implement a bi-national training program. The two countries should institute a regular program of bi-national training, including drills, exercises, and diversity/cultural training for response personnel on both sides of the border. If personnel are trained together, they are more likely to work effectively together during an actual response.

### 2. *Lack of Stakeholder Involvement in Planning*

**Background.** The best emergency preparedness and response program is one that takes into account the concerns and suggestions of all stakeholder groups (i.e., persons who have an interest in or responsibility for emergency preparedness and response) in a given locality or geographic region. A primary objective should be to bring together public, private sector, and governmental resources to advance emergency preparedness and response and the quality of community services in general. Hazardous materials preparedness and planning would then be just one part of a plan or organization that broadly seeks to serve community needs and interests by encouraging involvement in a community-wide improvement process. Currently, stakeholder involvement is sporadic at best.

**Findings.** It can be difficult to stimulate interest in emergency response planning unless governments identify and directly solicit participation from stakeholders, or individuals and groups that have an interest in a particular topic independently mobilize affected parties. Generally, this question is addressed at the local level, but it is often difficult for local governments or planning bodies to generate sufficient interest to involve all of the people and groups that have a stake in emergency response planning. It may be necessary for higher profile entities to address this question, although it is not clear exactly what the JRT, for example, would be able to do to increase awareness or involvement. Indeed, because many geographical and other differences that impede progress exist at local levels, increasing stakeholder participation is likely to become even more difficult as the target region is expanded.



**Recommendations.** The Workgroup suggested that the JRT probably needs to get involved in this barrier by exploring what can be done bi-nationally to get stakeholders involved. In addition, three specific recommendations for involving stakeholders in planning were suggested.

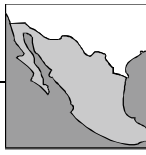
- Initiate communication and education in Mexico to involve more stakeholders. There are differences between stakeholders in the U.S. and those in Mexico. Generally, stakeholders in Mexico are not as involved in the planning process due to cultural and legal differences between the two nations, and it may take a concerted effort to reach them. However, the participation of all stakeholders in both nations is important and should be encouraged.
- Form broad-based planning bodies. While varied resources are available to assist with the planning process through federal organizations like FEMA, civil municipal leagues, and various municipal offices, what is needed is a central planning body – like the BorderPlex Civic Engagement Center or Imagine Houston organization – through which all of these resources can be channeled. Such a body could then be a mechanism for stimulating stakeholder participation. A number of activities need to be conducted to get this type of project underway. Participants must be identified, a mission statement needs to be developed, and an aggressive community outreach plan, including advertising, should be developed and implemented.
- Learn from the experience of prior initiatives. A closer look could be taken at what has already been done with the BorderPlex Civic Engagement Center, for instance, to see what has and has not worked as well as hoped, and if opportunities for more federal sponsorship or private sponsorship (e.g., CMA) exist. A key question that needs to be answered before moving forward is whether it makes more sense to have individual Sister City pairs, or a larger "regional array" such as the entire Rio Grande Valley, pursue this course of action for involving stakeholders.

### **3. *Inadequate Interagency Coordination***

**Background.** Effective emergency response operations depend on a network of trained individuals and groups who are aware of not only their own capabilities and responsibilities, but those of others involved in the response. A clear chain of command and well defined and documented roles are needed to ensure efficient management of the response. Only through close coordination can officials from response agencies ensure that the emergency response is completed as smoothly as possible. This Workgroup has played a role in the interagency coordination process, by bringing together key officials from relevant agencies in the U.S. and Mexico to discuss cross-border emergency response procedures and requirements.

**Recommendations.** The Workgroup suggested three recommendations for improving interagency coordination.

- Define in plans the intended forms of assistance to be provided. The types of assistance that will be provided and any limitations thereon need to be established, taking into account the degree to which each country can respond. For example, whether assistance will be limited to providing technical advisors instead of actual hazardous materials responders would probably depend on the situation. Details should be found in the LEPC plan or Sister City plan.
- Exchange key information regarding responders. Agencies on both sides of the border should develop and exchange with each other detailed rosters that list the names, affiliations, and telephone numbers of all key personnel that will be involved in responses so that everyone is aware of who needs to be contacted under various response scenarios and how to do so. See Appendix B for a summary of materials developed by Brownsville in support of this objective.



- Clearly define the chain of command. While the roles of responders are clearly defined in the Sister City plans, the authority of private and public sector responders once they cross the border needs to be established, particularly with regard to the questions of which agency is in charge, and what the chain of command will be.

#### **4. *Inadequate Knowledge of Government Structure/Laws***

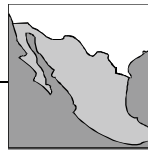
**Background.** There are numerous treaties and agreements between the U.S. and Mexico, as well as laws passed by each nation that affect the other. These include the La Paz Agreement, the Joint Contingency Plan, and the Border XXI Plan, among numerous others. While some Workgroup members are relatively familiar with the array of materials that exists, most do not claim to be familiar with, or even aware of, all of them. The average responder, or citizen at large, is likely to be far less aware of these agreements and laws.

**Findings.** Throughout the Workgroup's discussions, new documents seemed to surface fairly regularly, often to the surprise of participants (e.g., the FEMA agreement, the Texas workers law). This illustrated that there is no central repository, or index, for keeping these materials organized in a usable manner. It is difficult to fault response officials for not knowing every last fact about government structure and laws when there is no mechanism for compiling and exchanging such information.

In addition, officials on both sides of the border often lack basic information regarding agency "equivalency" or agency "counterparts," leading to confusion because different agencies have different roles in the U.S. and Mexico. For instance, the FEMA-equivalent agency in Mexico (Proteccion Civil) has responsibilities similar to those of EPA in the U.S., which can lead to confusion on the Mexican side if the U.S. EPA takes a major role in a response (i.e., Why is EPA involved, and not FEMA?). The same scenario occurs on the U.S. side due to confusion over how the Mexican government is structured. Even the Border XXI Plan references the Mexican EPA counterpart (SEMARNEP) as a responder, when Proteccion Civil is actually the primary response agency in Mexico. Thus, clarification of roles and responsibilities could benefit everyone involved in responses in border areas.

**Recommendations.** The Workgroup had several suggestions for improving knowledge of government structure/laws.

- Gather all existing emergency response laws, treaties, and agreements in a format that can be used and/or distributed. It would be useful if someone at the federal level (e.g., JRT or National Response Team (NRT)) could take the time to gather copies of all the laws, treaties, agreements, and other materials from the federal, state, and local levels of both nations that affect the border area between the U.S. and Mexico. In addition to publishing the materials in hardcopy, it might be useful to post such materials on the Internet for use by a broader audience. This document would simply be a compendium of existing materials.
- Develop a document containing summaries of each key agency's roles, and contrast each agency with its counterpart. The JRT also could develop a separate document that describes the role(s) of each agency involved in hazardous materials emergency preparedness and response, juxtaposed with a similar description of its counterpart. This would be a very useful tool to distribute among planners and responders, who would be likely to benefit most from such information. The document could also include organizational charts and listings of plans, procedures, and other relevant documents, as well as specific rosters of responders and their telephone numbers. This document would be a resource document that could be distributed to all of the Sister Cities so that they would not need to develop the descriptions individually. This document could also be posted on the Internet.
- Develop descriptions of the emergency management structure in each state for both the U.S. and Mexico. The Regional Response Teams (RRTs) might be able to identify and describe the emergency management structure (including a discussion of state laws) in each state, similar to what the JRT would be doing at the bi-

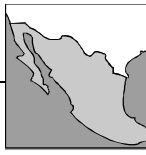


national level. Customs and INS could benefit from such a document because they work with state agencies and need to know who has responsibility for each aspect of emergency response. The key planning group and the key response group at the state level might be included, as might such bi-national groups as the International Boundary and Water Commission.

### III. SUMMARY

The Workgroup made a number of recommendations for overcoming barriers to rapid and efficient border crossings during emergencies. These recommendations can be broken down into several broad categories. Examples of recommendations that fit each category are listed below.

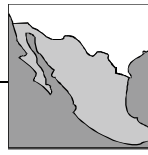
- 1) Recommendations that might be implemented immediately:
  - Identify insurance needs and obtain appropriate insurance coverage
  - Regularly review response procedures and requirements
  - Implement intercom-based or radio-based communication systems
  - Coordinate procedures with bridge operators at each crossing point
  - Provide dedicated emergency communication channels
  - Clearly define the chain of command and exchange key information about responders
- 2) Recommendations that might require input or action from the JRT
  - Coordinate the operations of each country's Customs/Immigration agencies
  - Consider turning over planning responsibilities in Mexico to a non-governmental organization
  - Form dedicated planning organizations
  - Implement a bi-national training program
  - Initiate communication and education in Mexico to involve more stakeholders
  - Gather all existing emergency response laws, treaties, and agreements in a format that can be used and/or distributed
  - Develop a document containing summaries of each key agency's roles, and contrast each agency with its counterpart
- 3) Recommendations that might require development of guidance, policy statements, or other documentation
  - Streamline entry procedures for emergency personnel in helicopters
  - Include notification procedures in contingency plans
  - Educate LEPCs and officials on both sides of the border
  - Develop an agreement with U.S. Customs to communicate through its sector offices
  - Build emergency response into job descriptions
- 4) Recommendations whose feasibility might require further study or research
  - Form purchasing groups to obtain insurance coverage
  - Develop indemnity agreements between cities
  - Study the possibility of using Internet links in emergency response communication
  - Use state and federal money to fund staff rather than other activities
- 5) Recommendations that might require legislative changes before implementation



- Enact legislation that provides responder protection under State Constitutions

By grouping the recommendations in this way, it is possible to roughly determine which areas require the most concentrated effort, as well as prioritize efforts so that benefits are maximized. The good news is that several important initiatives could be implemented immediately at little or no cost, while others simply need to be further defined in guidance or policy prior to implementation.

Clearly, not every recommendation offered in this report can be implemented. Further analysis of some recommendations must be conducted, and choices must be made regarding priorities. In addition, funding will always be a limiting factor on which and how many recommendations can be adopted. However, the Workgroup hopes that the JRT will seriously consider this report, take direct action wherever feasible, and encourage other entities to take necessary actions to the extent possible.



## **APPENDIX A**

### **Summary of INS Standard Operating Procedure – Brownsville Office**

The INS office in Brownsville office has developed a Standard Operating Procedure (SOP) for the rapid entry or export of evacuees, emergency personnel, equipment, and supplies into or from the U.S. in support of responses by the cities of Brownsville and Matamoros. The major features of the SOP are summarized below.

Procedures Following Emergency Notification. U.S. Customs personnel will receive notification of an emergency condition requiring expedited access into the U.S. via Port of Brownsville managed land border crossings by telephone from the Brownsville Police Department, or from the Harlingen Fire Department in the case of the Los Indios Bridge. Immediately upon notification, the Supervisor on duty will ascertain the number of response personnel needed, the amount and types of equipment needed, and the number of evacuees requiring movement. The Supervisor on duty will then ensure that the following procedures are implemented:

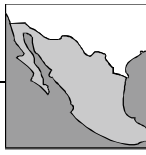
- (1) Take preparatory actions to expedite the entry of evacuees, emergency personnel, and equipment, including immediate notification of INS supervisory personnel of the emergency.
- (2) Ensure that expedited checks of nationality and status are performed for all individuals crossing the border. Maximum use will be made of preprinted Temporary Importation Bond (TIB) forms to list the number and type of vehicles and standard equipment typically used in responses. In addition, responders should have in the vehicle "crew lists" to present to U.S. and Mexican Immigration and Customs inspectors. Personnel not listed may handwrite their names on the list. Verification is usually a simple head count, so long as it agrees with the list of personnel.
- (3) Provide a copy of the crew list to INS for any follow-up deemed necessary by INS, and a copy of the TIB forms or equipment lists to Cargo for use in post-response procedures.

Procedures for Clearing Bridges. Procedures for clearing bridges for expedited entry of emergency vehicles are summarized below.

**Gateway Bridge.** At the Gateway Bridge, the Supervisor or Senior Inspector on duty will take the following steps:

- (1) Immediately advise INS and Cargo supervision of the impending arrival of the emergency vehicle and/or evacuees from Mexico;
- (2) Dispatch an inspector to the middle of the bridge to divert non-emergency vehicle traffic to the outside lane and emergency traffic to the inside lane;
- (3) Provide for expedited inspection of bridge traffic;
- (4) Work with inspectors to divert cargo, vehicular traffic, and evacuees from the bridge to the cargo lot, conduct inspections, and process cargo; and
- (5) Ensure that the I&C inspector advises cargo of the completion of the emergency response.

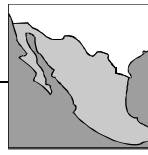
**B&M Bridge.** At the B&M Bridge, the Supervisor or Senior Inspector on duty will take the following steps:



- (1) Immediately telephone the management of Union Pacific Railroad, Southern Pacific Railroad, and the B&M Bridge, and advise them that traffic on the bridge must be immediately expedited to facilitate the transport of emergency equipment and that train traffic should be halted well short of the bridge;
- (2) Immediately notify Customs and Immigration personnel that the arrival of evacuees or emergency equipment is imminent and that existing traffic should be diverted to the cargo area;
- (3) Immediately advise B&M Cargo supervision of the situation and, if necessary, dispatch an inspector to divert passenger vehicle traffic into the cargo lot; and
- (4) Work with inspectors to divert cargo, vehicular traffic, and evacuees from the bridge to the cargo lot, conduct inspections, and process cargo.

Los Indios Bridge. At the Los Indios Bridge, it will not be necessary to divert vehicular traffic through the cargo area, because the capacity of this bridge is greater than that of either the Gateway or B&M bridges. Emergency personnel and equipment will be moved through open lanes or the cargo lot as deemed appropriate by the Supervisor/Senior on duty. If mass evacuees are anticipated, they will be processed into the cargo area pending immigration processing, unless hazardous conditions (e.g., presence of toxic fumes) in the area do not permit such actions.

Procedures for Medical Emergencies. When the Supervisory Customs Inspector receives notification that an emergency vehicle transporting a medical emergency will be arriving at the bridge, every reasonable effort will be made to clear a lane for its use, calling upon local authorities to assist if needed. The Supervisor will contact the local police department to assist in bridge control and make every effort to clear a lane for the emergency vehicle. The procedures outlined above should be followed for clearing lanes.



## **APPENDIX B**

### **Summary of City of Brownsville Emergency Communications Procedure for Hazardous Materials Response**

The City of Brownsville has developed a procedure for response to hazardous materials incidents. The first part of the procedure is a two-page standard operating procedure (SOP) checklist, that includes spaces for filling in the following information:

- Name of Dispatcher
- Date
- Activity
- Receive Time/Dispatch Time/Responding Time/Arrival Time/Return to Service Time (each of these to be filled out for Fire Department, Police Department, and EMS Department)

The checklist also contains phone numbers for the various local, state, and federal entities that need to be contacted in the event of an emergency, with spaces for entry of the time notified and the name of the person contacted. The types of entities listed include:

- Chemical Information Entities (Chemtrec)
- Emergency Management Entities (National Response Center, Texas Emergency Response Center, Spill Coordinator, EPA Region VI, Coast Guard, Department of Public Safety/Emergency Management Team)
- Mexican Entities (Matamoros Emergency Dispatch, Mexican Consul in Brownsville, U.S. Customs at Gateway Bridge)
- City Entities (Chief of Police and Emergency Management, Communication Director, City Manager)
- Hospitals (AMI Brownsville Medical Center, Valley Regional Medical Center, Valley Baptist Hospital, Dolly Vinsant Hospital)
- HazMat Teams (Code 3, Inc. Emergency Response Team, Quimica Fluor Emergency Response Team)

The second part of the SOP is a list of specific procedures to be followed, covering the following aspects of a response:

- Hazardous Materials Incident Notification
- Obtain needs assessment from the Incident Commander regarding additional assistance and potential areas that may be affected
- Activate City Notification Plan

The procedure also lists the Mutual Aid Agencies and other Support Agencies that can provide assistance in a response as needed. Finally, an appendix to the procedure contains a Hazardous Material Incident Report on which basic information about the incident can be recorded. A copy of the procedure is attached to show one potential approach to formatting such a document.



**City of Brownsville**

**Emergency  
Communications Procedure  
for Haz-Mat Response**

# HAZARDOUS MATERIAL RESPONSE PLAN

## Standard Operating Procedure Check List

Name of Dispatcher: \_\_\_\_\_ Date: \_\_\_\_\_ Inc.# \_\_\_\_\_

Activity	Receive Time	Dispatch Time	Responding Time	Arrival Time	Return To Service	Phone Number
First Notification						
Fire Dept.						Radio
Police Dept.						Radio
EMS Dept.						Radio

Chemical Info.	Notified	Name of Person Contacted	Phone Number
Chemtrec			1-800-424-9300
Emerg. Mgt.	Notified	Name of Person Contacted	Phone Number
Nat'l Response Center (NRC)			1-800-424-8802
Texas Emerg. Response Ctr.			1-800-832-8224 1-210-968-3165
Spill Coordinator			507-2207 Mob. 1-800-451-0491 (8465)
U.S. EPA Region VI			1-214-665-2222
U.S. Coast Guard			1-512-888-3162
DPS-Emerg. Mgt. Team			1-512-424-2277
Notify Mexico	Notified	Name of Person Contacted	Phone Number
Matamoros Emer. Dispatch			011-52-881-78828
Mexican Consul in Brownsville			542-4431
U.S. Customs at Gateway Bridge			USC 548-2748 & INS 546-1675
Notify City	Notified	Name of Person Contacted	Phone Number
Chief of Police & Emg. Mgt.			
Communication Director			

# HAZARDOUS MATERIAL RESPONSE PLAN

## Standard Operating Procedure Check List

### Supplemental Page

Notify City	Notified	Name of Person Contacted	Phone Number
City Manager			
Hospitals	Notified	Name of Person Contacted	Phone Number
AMI Brownsville Medical Center			544-1595
Valley Regional Medical Center			831-6949
Valley Baptist Hospital			1-210-421-9160
Dolly Vinsant Hospital			1-210-399-1313

### As Required by Incident Commander Notify on Request

HazMat Teams	Notified	Name of Person Contacted		Time Arrived	Phone Number
Code 3, Inc. Emg. Res. Team					1-210-421-4911 or 405-6366
Quimica Fluor Emg. Res. Team					011-52-881- 35555
Mutual Aid	Notified	Person Contacted	Arrival	In Service	Phone Number
Police					
Fire					
EMS					
Other Asst.	Notified	Person Contacted	Arrival	In Service	Phone Number

# HAZARDOUS MATERIAL RESPONSE PLAN

## Standard Operating Procedure for Public Safety Emergency Communications Operators

### I. Hazardous Material Incident Notification.

- A. First notification of potential hazardous material incident.
  - 1. Obtain **exact location**
  - 2. Obtain information on **fatalities, injuries or population at risk.**
  - 3. Is there a **fire**?
  - 4. Keep caller on the phone.
- B. **Dispatch** fire, police and E.M.S.
  - 1. **Caution** all responding units that hazardous materials may be involved.
  - 2. **Advise** responding units to approach the incident location from an upwind direction, and to maintain a safe distance from the scene.
  - 3. **Advise** responding Police personnel to utilize the tactical frequency (Channel 6) for communications during response.
- C. **Obtain** information required to complete the spill report forms (appendix 1) from caller or on scene personnel.
  - 1. Obtain as much information as possible from the caller, but caution him/her not to go near the incident scene.
  - 2. If caller is unable to furnish information on the type of chemicals involved (i.e., chemical names, placard numbers, owner/operator information) have the Incident Commander obtain the necessary information.
- D. **Call Chemtrec** 1-800-424-9300 (non-emergency 1-202-887-1255) to obtain information on toxicity, flammability, reactivity, and the appropriate response measures.
  - 1. If time permits, obtain a printout from the "**Cameo**" computer program for the chemicals involved.
  - 2. Report all pertinent information to Incident Commander.

II. **Obtain needs assessment** from the Incident Commander as to **additional assistance** and **potential areas that may be affected**.

A. Make initial notification to:

1. **Texas Natural Resource Conservation Commission (TNRCC)** - Call *SPILL COORDINATOR* @ 551-4351 or 1-800-451-0491. If no response call the local office @ 1-210-425-6099 (24-Hour Hotline in Austin 1-800-832-8224)
  - a. **Solid Waste**
  - b. **Water Program**
  - c. **Air Program**
2. **DPS Emergency Management Team** 1-512-424-2277
3. **Texas General Land Office (Water)** 1-800-832-8224
  - a. Brownsville PUB 982-6110
  - b. U.S. Coast Guard (after 5:00 pm) 1-512-888-3162
  - c. Brownsville Irrigation District 831-8462
  - d. Internat. Boundary & Water Com. 1-210-381-8834
4. Spills that may effect **Mexico** must be reported to the **(NRC) National Response Center** - 1-800-424-8802
  - a. Emerg. Dispatch, Matamoros 011-52-881-78828
  - b. Director of Public Safety Mata. 011-52-881-72205
  - c. U.S. Immigration (Gateway Bridge) 546-1675
  - d. U.S. Customs (Gateway Bridge) or 548-2748  
U.S. Customs Sector Operations 1-800-973-2867
  - e. U.S. Consulate (Matamoros) 011-52-881-24402
  - f. Mexican Consulate (Brownsville) 542-4431

III. Activate **City Notification Plan**

- A. Chief of Police
- B. Fire Chief
- C. E.M.S. Director
- D. Communication Center Director
- E. For City Services- Refer to City Directory

**IV. Mutual Aid Agencies** (Support agencies to be called if requested)

**A. Police**

- |    |                                    |                |
|----|------------------------------------|----------------|
| 1. | Texas Dept. of Public Safety (DPS) | 1-210-423-1160 |
| 2. | Cameron County Sheriff Dept.       | 544-0860       |
| 3. | Los Fresnos Police Dept.           | 233-4473       |
| 4. | San Benito Police Dept.            | 1-210-399-2471 |
| 5. | Harlingen Police Dept.             | 1-210-427-8787 |
| 6. | Port Isabel Police Dept.           | 943-2727       |
| 7. | South Padre Island Police          | 761-2236       |

**B. Fire**

- |    |                         |                  |
|----|-------------------------|------------------|
| 1. | Los Fresnos Fire Dept.  | 233-5858         |
| 2. | San Benito Fire Dept.   | 1-210-399-1212   |
| 3. | Harlingen Fire Dept.    | 1-210-427-8888   |
| 4. | Port Isabel Fire Dept.  | 943-2727         |
| 5. | South Padre Island Fire | 761-2236         |
| 6. | Matamoros Fire Dept.    | 011-52-881-20003 |

**C. E.M.S.**

- |    |                                 |                |
|----|---------------------------------|----------------|
| 1. | Los Fresnos                     | 233-4473       |
| 2. | Harlingen EMS                   | 1-210-428-1919 |
| 3. | Port Isabel EMS                 | 943-2727       |
| 4. | Raymondville EMS                | 1-210-689-2441 |
| 5. | EM Care (Donna)                 | 1-210-464-2627 |
| 6. | Mission Critical Care (Mission) | 1-210-580-2525 |

**V. Support Agencies**

**A. Emergency Response Teams**

- |    |   |                               |
|----|---|-------------------------------|
| 1. | Code 3, Inc. (HazMat Response Team)   | 1-210-421-4911<br>or 405-6366 |
| 2. | Quimica Fluor (HazMat Response Team)<br>(If requested- must notify U.S. Customs @ the<br>bridge and provide an escort to site for team) | 011-52-881-35555              |

**B. Local Emergency Planning Committee**

**C. Local Support**

- |    |                                      |                     |
|----|--------------------------------------|---------------------|
| 1. | Brownsville City Manager (office)    | 548-6005            |
| 2. | Brownsville Mayor (office)           | 542-4549 / 542-9511 |
| 3. | Cameron County Emergency Mgt.        | 544-0880            |
| 4. | Port of Brownsville Navigation Dist. | 831-4592            |
| 5. | Port Harbor Master's Office          | 831-8256            |
| 6. | Southern Union Gas, Inc.             | 542-3531            |
| 7. | Southwestern Bell Mobile Systems     | 1-210-428-6200      |

**D. State of Texas**

- |    |                                  |                |
|----|----------------------------------|----------------|
| 1. | DPS Div. of Emergency Management | 1-512-424-2277 |
| 2. | Texas Department of Health       | 1-512-458-7410 |
| 3. | Texas Emergency Response Center  | 1-800-832-8224 |
| 4. | Texas Poison Center              | 1-817-336-6611 |

**E. Federal Agencies**

- |    |  |                |
|----|--|----------------|
| 1. | Department of Transportation                 | 1-512-229-5616 |
| 2. | Environmental Protection Agency (EPA)        | 1-214-665-2222 |
| 3. | National Weather Service                     | 1-817-334-3401 |
| 4. | U.S. Army Explosives Ordinance (Corpus)      | 1-512-221-5308 |
| 5. | U.S. Customs @ Gateway (request supervisor)  | 542-4232       |
|    | U.S. Customs Sector Operations, Orlando, FL. | 1-800-973-2867 |
| 6. | U.S. Immigration at B&M Bridge               | 541-6931       |

**F. Railroad Companies**

- |    |  |                |
|----|--|----------------|
| 1. | Southern Pacific Railroad ( 24-Hour Comm.) | 1-800-892-1283 |
| 2. | Union Pacific Railroad                     | 548-2429       |
| 3. | Brownsville Rio Grande Railroad            | 831-7731       |

**G. Hospitals & First Aid Service**

- |    |                                |                |
|----|--------------------------------|----------------|
| 1. | Brownsville Medical Center     | 544-1595       |
| 2. | Valley Regional Medical Center | 831-6949       |
| 3. | Valley Baptist Hospital        | 1-210-421-9160 |
| 4. | Dolly Vinsant Hospital         | 1-210-399-1313 |
| 5. | Rio Grande American Red Cross  | 541-5206       |
| 6. | City Health Department         | 542-2334       |